IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10501 of 2007(A)

EP 13/2006 IN OS.159/2004 of PRINCIPAL SUB COURT, KOCHI

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PETITIONERS:

1. V.SUBRAMANIAM,
   S/O.VENKITACHALA IYER,
   KOODARAM HOUSE,VENKULAM DESOM,
   EDAVA VILLAGE, CHIRAYINKAL TALUK.

2. N.V.SURESH BABU, S/O.VELAYUDHAN,
   NINDHA STALATH, CHERAI DESOM,
   PALLIPURAM VILLAGE, KOCHI TALUK.

BY ADV. SRI.K.P.VIJAYAN
SRI.V.M.SYAM KUMAR

RESPONDENTS:

1. LITTLE FLOWER KURIES & ENTERPRISES LTD.,
   FORT COCHIN-1, ERNAKULAM DISTRICT.

2. M.A. RAZIA, W/O.ABDUL LATHIF,
   "AL-HIDAYA" XIII/591, VENKULAM,
   EDAVA VILLAGE, CHIRAYINKEEZHU TALUK,
   TRIVANDRUM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 10501 of 2007 A

JUDGMENT

Heard the counsel for the petitioners.

2. The challenge is against Exhibit P2 order dated 10.1.2007 in E.P.No.13/06 in O.S.No.159/04 on the file of the Principal Sub Court, Kochi, ordering attachment of an amount of Rs.5,666/- and Rs.4,666/- respectively from the monthly salaries of judgment debtors 2 and 3, who are respectively the petitioners herein. Counsel for the petitioners submits that to avoid stigma of salary attachment, the petitioners are prepared to deposit the amounts sought to be attached for the months from January 2007 to June 2007, viz., for six months in lump and that attachment ordered vide Exhibit P2 order be kept in abeyance for a period of three months from today. The request is reasonable and has to be granted.

2. In the result, I order that in the event of the petitioners depositing a total amount of Rs.65,000/- in the court below within two weeks from today as aforesaid, the court below shall suspend the order of attachment till 30.6.2007 and shall re-call the attachment. It is made clear that re-calling of the order of attachment need be ordered only on deposit of the aforesaid amount of Rs.65,000/- by the petitioners/judgment debtors 2 and 3 jointly.

This writ petition is disposed of with the above directions.

27th March, 2007 (K.P.Balachandran, Judge)

tkv